HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.24970 OF 2006

Between:

G.Venkateswara Prasad

. . .Petitioner

AND

The Commissioner of Technical Education,
Hyderabad and others

. . .Respondents

:: ORDER ::

Counsel for the petitioner : Shri C.Ramachandra Raju

Counsel for respondent No.3 : Shri P.Harinath Gupta

23rd August, 2007

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PER G.S.SINGHVI, CJ

The petitioner who is an ex-student of Acharya Nagarjuna University has filed this petition for issue of writ of mandamus to respondent Nos.1 to 3 to consider representation dated 08.11.2006 made by him and conduct necessary enquiry into the irregularities committed by respondent Nos.4 and 5 in admitting students in the management quota and take appropriate action against them in accordance with law.

It is borne out from the record that during the pendency of the writ petition, Acharya Nagarjuna University, Guntur (for short 'the University') appointed Professor V.Rama Rao, Department of Computer Science, National Institute of Technology, Warangal to enquire into the alleged irregularities committed by respondent Nos.4 and 5 and after conducting the enquiry, Professor V.Rama Rao submitted report dated 31-3-2007, copy of which has been placed on record along with affidavit dated 27-3-2007 of Professor K.V.Rao, Registrar of the University. Paragraph 2 of that affidavit reads as under:

> "I submit that the writ petition was filed complaining of inaction on the part of this respondent and respondents 1 and 2 on the representations made by the petitioner complaining of serious irregularities in the management of affairs by the 4th respondent herein. This respondent has filed Counter Affidavit before the Hon'ble Court submitting that the University has appointed Prof. V.Rama Rao, Department of C.S.E., NIT, Warangal and inquire into the allegations made by the petitioner against the 4th and 5th respondents. There upon an enquiry was caused and the Enquiry Officer submitted his report. As per the said report the allegations were felt baseless. On receipt of the report, this deponent is considering the correctness of the report with reference to the

material furnished by the respondents 4 and 5 and the material available with this respondent. If the report is not accepted, further action would be taken against the respondents 4 and 5 according to law following the due procedure. The decision on the report would be taken shortly and hence this additional counter Affidavit."

At the hearing, we inquired from Shri P.Harinath Gupta, learned counsel for the University whether or not the report of Professor V.Rama Rao has been accepted by the University. In reply, the learned counsel gave out that the report of Professor V.Rama Rao has been accepted by the University.

Shri C.Ramachandra Raju, learned counsel for the petitioner made some efforts to persuade us to ignore the report and to order an independent enquiry into the allegations made in the representation made by his client and the averments contained in the writ petition but in the absence of specific challenge to the report of Professor V.Rama Rao, we do not find it just and proper to order fresh probe into the allegations contained in the representation of the petitioner or the writ petition.

With the above observation, the writ petition is dismissed leaving the petitioner free to file fresh petition to question the report of Professor V.Rama Rao and the decision taken by the University to accept the same.

G.S.SINGHVI, CJ

23rd August, 2007

C.V.NAGARJUNA REDDY, J

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